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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/542,948 | 07/21/2005 | Emmanuel Legrand | 047578/294904 | 9148 |

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EXAMINER

GRANT, ALVIN J

ART UNIT

PAPER NUMBER

3723

MAIL DATE

DELIVERY MODE

05/26/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/542,948

Applicant(s)

LEGRAND, EMMANUEL

Examiner

ALVIN J. GRANT

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date 3/10/09
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 2, 6, 7 and 9-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al. 6,401,344 in view of Jones et al. 5,048,278. Moore et al. discloses a cutting head for a brush cutter, edge trimmer or similar, of the type comprising elements including: a passageway **(110)** for a strand of cutting string **(39)** and a movable locking element **(145)** suitable for locking the strand of cutting string **(39)** in its passageway, wherein the passageway is rectilinear and has opposite first and second end **(111, 112)** openings at the periphery of the head, wherein the passageway is configured such that the strand of cutting string exits from the first end opening in a non-radial direction, and in that the movable locking element is a one-way locking element, wherein the one-way locking element is configured such that the strand of cutting string can be readily inserted into the passageway on the first end opening thereof; the movable locking element **(145)** is located between the passageway and the periphery of the head; and clamping spring **(col. 4, lines 58-66)**. Moore does not specifically disclose two passageways offset from a central axis of the head and extracted from the passageway only from the second end opening thereof. Jones et al. discloses a rotary cutting member having two passageways offset from a central axis of

the head and extracted from the passageway only from the second end opening thereof so as to maximize the cutting capacity of the cutting head while optimizing the security of the string. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made Moore et al.'s apparatus to have two passageways offset from a central axis of the head and extracted from the passageway only from the second end opening thereof as taught by Jones et al. so as to maximize the cutting capacity of the cutting head while optimizing the security of the string.

3. **Claims 3-5 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al. in view of in view of Jones et al. and in further view of Zilly et al. 5,855,068.

Moore et al. as modified is described above. The modified Moore et al. does not specifically disclose a locking mechanism that is located oblique to the cutting string. Zilly et al. discloses a cutting head in which the locking mechanism that is obliquely disposed to the cutting string so as to optimize the contact surface between the string and the locking mechanism. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the modified Moore et al.'s apparatus to the locking mechanism obliquely disposed to the cutting string as taught by Zilly et al. so as to optimize the contact surface between the string and the locking mechanism.

Response to Arguments

4. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALVIN J. GRANT whose telephone number is (571)272-4484. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alvin J Grant/
Examiner, Art Unit 3723